

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

JOSEPH MURPHY D'EREK NICKOLI,

Defendant.

No. 2:16-CR-0139-WFN-1

PROTECTIVE ORDER

Pending before the Court is the Government's Unopposed Motion for Discovery Protective Order and Motion to Expedite. ECF No. 17. The Government requests a Protective Order for appropriate protections against dissemination of the discovery materials, and the sensitive information contained therein, disclosed in the above-captioned matter. The Government represents that defense counsel has reviewed this Motion and proposed Protective Order and is in agreement. The discovery contains a victim's unredacted medical information.

The Court has reviewed the file and Motions and is fully informed. This Order is entered to memorialize and supplement the oral rulings of the Court. Accordingly,

IT IS ORDERED that:

1. The Government's Unopposed Motion for Discovery Protective Order and Motion to Expedite, filed September 12, 2016, **ECF No. 17**, is **GRANTED**.

2. The following protections shall apply to discovery materials, and the sensitive information contained therein, disclosed in the above-captioned matter:

(a) Defense counsel shall not share or provide any discovery items produced by the United States in this case with anyone other than designated defense counsel and her defense investigators, retained expert witnesses, and support staff. Defense counsel

1 may permit her Defendant to view unredacted discovery items in the presence of defense
2 counsel and her defense investigators and support staff. Defense counsel personally, or
3 through defense counsel's investigators and support staff, may show unredacted discovery
4 items to witnesses in regard to items or events about which a witness may have personal
5 knowledge. Defense counsel and her investigators and support staff shall not allow the
6 Defendant or witnesses to copy Protected Information contained in the discovery.

7 (b) The discovery and information therein may be used only in connection
8 with the litigation of this case and for no other purpose. The discovery is now and will
9 forever remain the property of the United States. At the conclusion of the case, defense
10 counsel will return the discovery to the United States or will certify that it has been
11 shredded. If the assigned defense counsel is relieved or substituted from the case, defense
12 counsel will return the discovery to the United States or certify that it has been shredded.

13 (c) Defense counsel shall store the discovery in a secure place and will use
14 reasonable care to ensure that it is not disclosed to third persons contrary to the Protective
15 Order.

16 (d) Defense counsel shall be responsible for advising her client/Defendant,
17 employees, witnesses, and other members of the defense team of the contents of the
18 Protective Order.

19 (e) The Protective Order shall also apply to any new defense counsel that may
20 later become counsel of record in this case.

21 The District Court Executive is directed to file this Order and provide copies to
22 counsel.

23 **DATED** this 13th day of September, 2016.

24
25 s/ Wm. Fremming Nielsen
26 WM. FREMMING NIELSEN
27 SENIOR UNITED STATES DISTRICT JUDGE
28

09-12-16